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10 Attorneys for plaintiffs ALAN J. WATSON;
11 CASH FLOW FINANCIAL, LLC, a Michigan limited
12 liability company; GALVESTON MATRIX
13 DIVERSIFIED TRUST, an Ohio business trust;
14 and DAVID F. KLIMA, individually and in his
15 capacity as Trustee of Galveston Matrix
16 Diversified Trust

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 **ALAN J. WATSON; CASH FLOW**) Case No. CV-10-1394-(EMC)
15 **FINANCIAL, LLC, a Michigan limited**)
16 **liability company; GALVESTON MATRIX**)
17 **DIVERSIFIED TRUST, an Ohio business**)
18 **trust; and DAVID F. KLIMA, individually**)
19 **and in his capacity as Trustee of Galveston**)
20 **Matrix Diversified Trust,**)
21 **Plaintiffs,**)
22 **v.**)
23 **SOLDADO CORPORATION, a California**)
24 **corporation; GABRIEL GONZALES, JR.;**)
25 **JC FUNDING SOLUTIONS, INC. a Min-**)
26 **nesota corporation; JOSE ISRAEL**)
27 **CASTILLO ROBLES; BRIAN J. ENGEL;**)
28 **BJE, INC., a Minnesota corporation;**)
29 **and DOES 1 through 10, inclusive,**)
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31 **Defendants.**)
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DATE: JULY 14, 2010
TIME: 1:30 PM
ROOM: COURTRoom C
15TH FLOOR

STIPULATION AND ORDER RE JOINT APPLICATION FOR CONTINUANCE OF DEADLINE
FOR FILING OF F. R. Civ. P. RULE 26(f) REPORT AND CONTINUANCE
OF INITIAL CASE MANAGEMENT CONFERENCE

1 Counsel for plaintiffs ALAN J. WATSON; CASH FLOW FINANCIAL, LLC, a
2 Michigan limited liability company; GALVESTON MATRIX DIVERSIFIED TRUST, an
3 Ohio business trust; and DAVID F. KLIMA, individually and in his capacity as Trustee of
4 Galveston Matrix Diversified Trust, and counsel for defendants SOLDADO CORPORA-
5 TION, a California corporation (Soldado) and GABRIEL GONZALEZ, JR. (Gonzalez), he-
6 reby stipulate and agree, and jointly apply to the Court for an order approving their stipula-
7 tion, that the Initial Case Management Conference now scheduled for July 14, 2010 be post-
8 poned for 45 days, and that the other deadlines set forth in the April 1, 2010 Order Setting
9 Initial Case Management Conference be postponed in relation to the new Initial Case Man-
10 agement Conference date to be set by the Court. As grounds for this stipulation and joint ap-
11 plication for a continuance, the parties (as indicated) state the following:
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- 14 1. No party previously has applied for any extension of time on any subject.
- 15 2. Plaintiffs' counsel represents as follows: although defendants Soldado and
16 Gonzalez have entered appearances and answered the complaint, there are A)
17 other defendants who have been served, but who have not yet answered or ap-
18 peared; B) a defendant who is being served by publication, in process; and, C)
19 a defendant who has not yet been located for service of process. Defendants
20 Brian J. Engel (Engel), BJE, Inc. (BJE), and JC Funding Solutions, Inc.
21 (JCFS) are important defendants. BJE and JCFS, both Minnesota corpora-
22 tions, have been served in accordance with Minnesota law as of June 29, 2010
23 (via service upon the Minnesota Secretary of State), and these defendants have
24 time remaining within which to enter appearances and respond to the com-
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plaint. Service on defendant Engel by publication is in process in accordance with Minnesota law. Defendant Jose Israel Castillo Robles is a resident of Mexico and has not yet been located for service. The parties therefore have not yet been able to confer effectively regarding initial disclosures, early settlement, and discovery plans, or to submit a meaningful F. R. Civ. P. 26(f) Report.

3. Because of the absence of certain defendants, it has not been possible to assess with any reasonable accuracy many of the issues that must be addressed in the parties' JOINT CASE MANAGEMENT STATEMENT, including: potential motions; claims and defenses to be asserted by entering defendants; discovery planning and identification of issues that may require adjudication; and scheduling of pre-trail activities.
4. Defendants Soldado and Gonzalez have provided some informal discovery to plaintiffs, and have indicated that more such informal discovery may be forthcoming, but the parties (both those already appearing and, presumably, those who have been served but not yet entered appearances) need additional time in which to prepare initial disclosures and prepare a proper discovery plan.

WHEREFORE plaintiffs and defendants Soldado Corporation and Gabriel Gonzalez, Jr. request a postponement of the currently scheduled Initial Case Management Conference for approximately 45 days, and the postponement of related deadlines so as to properly relate to the new date for the Initial Case Management Conference.

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1 A proposed order in the form of an endorsement of this stipulation, in accordance
2 with USDC NDCA Local Rule 7-12, is provided below.
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DATED: July 12, 2010
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LAW OFFICES OF EDWARD F. MITCHELL
7

8 s/ Edward F. Mitchell
9

10 By _____
11 EDWARD F. MITCHELL
EFMLawSF@juno.com
12

Attorney for plaintiffs
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DATED: July 12, 2010
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BRIAN W. NEWCOMB, ATTORNEY AT LAW
16

s/ Brian W. Newcomb
17

18 By _____
19 BRIAN W. NEWCOMB
brianwnewcomb@gmail.com
20

21 Attorney for defendants SOLDADO CORPORATION,
22 a California corporation; and GABRIEL
23 GONZALEZ, JR.
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STIPULATION AND ORDER RE JOINT APPLICATION FOR CONTINUANCE OF DEADLINE
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference is reset for 8/25/10 at 1:30 p.m. A joint CMC statement shall be filed by 8/18/10. Plaintiffs shall serve a copy of this order upon all defendants.

**UNITED STATES DISTRICT
JUDGE/MAGISTRATE**

EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE

**STIPULATION AND ORDER RE JOINT APPLICATION FOR CONTINUANCE OF DEADLINE
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